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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,804	11/28/2000	Muneer Zuhdi	560043-610170	6403
5369	7590	11/03/2004	EXAMINER	
JONES DAY P.O. BOX 660623 DALLAS, TX 75266-0623			PATHAK, SUDHANSHU C	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/723,804

Applicant(s)

ZUHDI ET AL.

Examiner

Sudhanshu C. Pathak

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on July 30<sup>th</sup>, 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 14-17 is/are allowed.
- 6) ☒ Claim(s) 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on November 28<sup>th</sup>, 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-to-17 are pending in the application.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-13 are rejected under 35 U.S.C. 103(e) as being unpatentable over Nakaoka et al. (6,567,199).

Regarding to Claims 10-13, Nakaoka discloses a method of coding a stream of data having a selected frequency for transmission between a first location and another location wherein the bits of said stream of data have one portion at one voltage level and another portion at a second voltage level, and said stream of data being recoverable at said another location without establishing timing or phase lock (Column 1, lines 17-45 & Fig. 1, element "MANCHESTER-ASK"). Nakaoka also discloses coding the stream of data bits by setting one portion of each bit to a reference voltage level and continuously switching at a second frequency, another portion of each bit between the reference voltage and another voltage level different than the reference voltage and transmitting the coded stream of data (Column 1, lines 17-45 & Fig. 1, element "MANCHESTER-ASK"). Nakaoka also discloses that the stream of data bits having a selected frequency is a stream of Manchester coded data bits (Fig. 1, element "MANCHESTER-ASK"). However, Nakaoka does not

specify the second (switching) frequency to be a multiple of, eight times (8x), the selected frequency and also does not specify the selected frequency of the Manchester data stream. It is a matter of design choice to select the second frequency to be either (8x) or any other multiple of the selected frequency and further it is again a matter of design choice to select the frequency of the Manchester coded data to be 25.92 MHz; and there is no particular criticality in selecting these frequencies. Therefore, it is obvious to one of ordinary skill in the art at the time of the invention that Nakaoka teaches transmitting and receiving Manchester coded data using ASK (amplitude shift keying) modulation techniques such as OOK (on/off keying) so as to alleviate mutual interference and recover data without establishing timing or phase lock of the received data, thus satisfying the limitations of the claims.

***Allowable Subject Matter***

4. Claims 1-9 & 14-17 are allowable over prior art of record because the cited references do not contain the specified limitation of a method and apparatus for transmitting and recovering a stream of coded data bits without establishing a timing or phase lock comprising receiving an OOK coded data and delaying a coded data stream for a period of time equal to one-half cycle of second clocking frequency and further combining the received coded data with the delayed coded data to recover the transmitted data stream data bits at the selected frequency.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhanshu C. Pathak whose telephone number is (571)-272-3038. The examiner can normally be reached on M-F: 9am-6pm.

- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)-272-3056
- The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sudhanshu C. Pathak

  
**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**